APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,220	07/22/2003	Ted Margison	067182-011	8360

7590   03/21/2006

Attn: Craig A. Gelfound
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EXAMINER
MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	Application No.	Applicant(s)
		10/625,220	MARGISON, TED
		Examiner	Art Unit	
		Susanna M. Diaz	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>56-79</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>56-79</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January

5, 2006 has been entered.

Claims 1-55 have been cancelled.

Claims 56-79 have been added.

Claims 56-79 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains. .
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 56-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hurley et al. ("Faster Product/Process Development Through Cross Functional Process

Mapping") *in view of* "Computer Associates Plan Lets VARs Sell Whole Software Suite"

and further *in view of* Brown et al. (US 2005/0010469).

[Claim 56]   Hurley discloses a "Cross Functional Process Mapping" (CFPM)

procedure that maps each step within a business process from start to finish (Hurley: ¶

1). The resulting analysis is used to "eliminate unnecessary and non-value added work"

(Hurley: ¶ 9). Input is received from customers as well as representatives from each

department involved in the mapped process (Hurley: ¶¶ 9, 11, 13). The process is

assessed "As is" compared to how it "Should be" (Hurley: ¶¶ 13-14) and takes into

account such information as how long each step in the process currently takes (Hurley:

¶ 16). Hurley also discusses how differing viewpoints of the process must be

reconciled. "We created our 'As is' map and found that everyone thought that they

knew what the current process was, but each person had a different idea." (Hurley: ¶

19) Based on the analysis and ultimate comparison of input from the various

customers, representatives, and their department members (which is indicative of the

steps of presenting to members information regarding a plurality of processes of the

organization and, for each process, a plurality of selectable characterizations of the

process, receiving selections from members regarding characterizations of one or more

of the processes, and comparing the selections made by members, claim 56), business

processes may be mapped (which is indicative of the step of generating a presentation

based on the results of the evaluation, claim 56). Hurley does not expressly disclose

that the selections made by one or more of the members are compared to the

selections made by other members to evaluate the interaction between members

performing different processes; however, Hurley does require that differing viewpoints of

a business process (comprising various subprocesses) be reconciled as part of the

overall process mapping (Hurley: ¶ 19). Furthermore, "Computer Associates Plan Lets
VARs Sell Whole Software Suite" presents process maps ("Computer Associates Plan
Lets VARs Sell Whole Software Suite": ¶¶ 14-15) that are created based on information
gleaned from feedback from "a project team with client representation from all levels"
("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶¶ 10-11).
Feedback is gathered in response to a questionnaire that may include questions
regarding activities that each person performs, the input and output to each activity, the
source of input to each activity, etc. ("Computer Associates Plan Lets VARs Sell Whole
Software Suite": ¶ 11). The process maps may then be used to indicate "hand-offs and
controls" and help to eliminate duplicate work ("Computer Associates Plan Lets VARs
Sell Whole Software Suite": ¶¶ 14-15). "Computer Associates Plan Lets VARs Sell
Whole Software Suite" presents a detailed methodology for assessing inputs and
outputs as a process moves from one user's assigned activity to that of another user
while Hurley is concerned with reconciling discrepancies in varying viewpoints of the
process as a whole; therefore, the Examiner submits that it would have been obvious to
one of ordinary skill in the art at the time of Applicant's invention to modify Hurley to
compare the selections made by one or more of the members to the selections made by
other members to evaluate the interaction between members performing different
processes (claim 56) in order to more effectively and precisely identify inefficient and/or
redundant tasks within the overall process (which is a goal of both Hurley and
"Computer Associates Plan Lets VARs Sell Whole Software Suite").

Additionally, neither Hurley nor "Computer Associates Plan Lets VARs Sell

Whole Software Suite" expressly discloses that the members are presented with a user

interface to a database that contains a plurality of processes of the organization,

wherein member selections are received through the user interface. However, Brown

makes up for this deficiency with the teaching of an automated consulting assessment

system that automates "the process of performing assessments. These assessment

may analyze the current state of the business, compare the business's current state

with desired states or with best practices, and perform risk/benefit and/or cost/benefit

analyses, according to the specifications made in the templates on a real-time basis for

producing immediate assessment results and actions." (Brown: abstract) Questionnaire

templates are based on current business practice information (Brown: ¶ 31).

Performance assessment facilitates the identification of gaps in the business process

and potential solutions for reaching goals of the business (Brown: ¶ 37). Performance

assessment data is gathered in a client-server environment and "uploaded to a server

for data consolidation and archiving" (Brown: Fig. 1; ¶ 39). Since Hurley, "Computer

Associates Plan Lets VARs Sell Whole Software Suite," and Brown are all directed

toward improving business processes, the Examiner submits that it would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to modify

the Hurley-"Computer Associates Plan Lets VARs Sell Whole Software Suite"

combination such that the members are presented with a user interface to a database

that contains a plurality of processes of the organization, wherein member selections

are received through the user interface (as taught by Brown) in order to more efficiently

facilitate business process evaluations in a less time consuming manner (as suggested

by Brown: abstract; ¶ 48).

[Claims 57-61, 63-66]   Besides "noting how long each step currently takes" (Hurley:

¶16), Hurley does not expressly disclose the details of which questions are used to

invoke each member's input regarding the various aspects of a business process.

"Computer Associates Plan Lets VARs Sell Whole Software Suite," on the other hand,

does explicitly disclose such details. More particularly, "Computer Associates Plan Lets

VARs Sell Whole Software Suite" states:

> Simple generic questionnaires provide an efficient way to capture relevant information. Some examples to include: Describe your involvement in the process; List each activity you perform; List the activity inputs (forms, logs, reports). Please attach samples; Indicate the source of the inputs (forms, reports, phone calls, faxes, meetings); Provide a step-by-step description of the activity; List activity outputs (forms, logs, reports); Indicate how and to where outputs are delivered (a report, phone call, fax, meeting); How long does each activity take?; What percentage of your time do you spend on each activity? ("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11)

In other words, "Computer Associates Plan Lets VARs Sell Whole Software

Suite" discloses a questionnaire that may inquire about the following information:

[Claim 57]   wherein the processes include job functions, and wherein at least some of

the selectable characterizations to the job functions include inputs to or outputs from the

job function ("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 --

activity inputs and outputs);

[Claim 58]   wherein the evaluation of the interaction between members includes

evaluating the member selections relating to inputs to and outputs from the job functions

("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 -- activity

inputs and outputs);

[Claim 59]   wherein at least some of the selectable characterizations of a job function

include an identification of what is delivered in connection with an input to or output from

the job function, and wherein the evaluation of the interaction between members

includes evaluating the member selections relating to what is delivered in connection

with an input to or output from the job function ("Computer Associates Plan Lets VARs

Sell Whole Software Suite": ¶ 11 -- activity inputs and outputs and specific examples

thereof, such as forms, logs, reports, phone calls, faxes, and meetings);

[Claim 60]   wherein what at least some of the selectable characterizations of a job

function include a description of how an item is delivered in connection with an input to

or an output from the job function, and wherein the evaluation of the interaction between

members includes evaluating member selections relating to the description of how an

item is delivered in connection with an input to or an output from the job function

("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 -- activity

inputs and outputs and specific examples thereof, such as forms, logs, reports, phone

calls, faxes, and meetings);

[Claim 61]   . wherein at least some of the selectable characterizations of a job function

include an identification of what action the member takes in connection with an input to

or an output from the job function, and wherein the evaluation of the interaction between

members includes evaluating member selections relating to what action the member takes in connection with an input to or an output from the job function ("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 -- activity inputs and outputs and specific examples thereof, such as forms, logs, reports, phone calls, faxes, and meetings; a step-by-step description of the activity);

[Claim 63]   wherein at least some of the selectable characterizations of a job function include an identification of what action the member takes in connection with an input to or an output from the job function, and wherein the evaluation of the interaction between members includes evaluating member selections relating to what action the member takes in connection with an input to an output from the job function ("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 -- activity inputs and outputs and specific examples thereof, such as forms, logs, reports, phone calls, faxes, and meetings; a step-by-step description of the activity);

[Claim 64]   wherein at least some of the selectable characterizations of a job function include an identification of a time frame for receiving the input to or output from the job function, and wherein the evaluation of the interaction between members includes evaluating member selections relating to the identification of a time frame for receiving the input to or output from the job function ("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 -- activity inputs and outputs and how long each activity takes);

[Claim 65]   wherein at least some of the selectable characterizations of a job function include a trigger for an input to or output from the job function, and wherein the

evaluation of the interaction between members includes evaluating member selections

relating to the trigger for an input to or output from the job function ("Computer

Associates Plan Lets VARs Sell Whole Software Suite": ¶ 11 -- activity inputs and

outputs);

[Claim 66]   wherein the evaluation of the interaction between members includes

comparing the output from a first one of the job functions to the input of a second one of

the job functions ("Computer Associates Plan Lets VARs Sell Whole Software Suite": ¶

11 -- activity inputs and outputs; ¶¶ 13-14 -- a process map shows the relationship

between an output of one job function and the input to another).

        It should also be noted that the combination of Hurley and "Computer Associates

Plan Lets VARs Sell Whole Software Suite" is effectively analyzing interactions between

the members, especially since the representatives from each part of the process (i.e.,

representatives of those in charge of different subprocesses of the overall business

process) are being questioned regarding their respective contributions to the overall

process. Also, Hurley makes it clear that differing viewpoints of a business process

(comprising various subprocesses) must be reconciled as part of the overall process

mapping (Hurley: ¶ 19) and "Computer Associates Plan Lets VARs Sell Whole Software

Suite" discloses that the process maps may be used to indicate "hand-offs and controls"

and help to eliminate duplicate work ("Computer Associates Plan Lets VARs Sell Whole

Software Suite": ¶¶ 14-15). Assessing differing viewpoints and identifying "hand-offs

and controls" to eliminate duplicate work are indicative of the fact that member

interactions are evaluated as part of the overall business process mapping. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hurley with the specific evaluation details recited in claims 57-61 and 63-66 (as addressed by "Computer Associates Plan Lets VARs Sell Whole Software Suite") in order to provide Hurley with a more efficient way of capturing the precise information that is most relevant to the business process mapping procedure (as suggested in ¶ 11 of "Computer Associates Plan Lets VARs Sell Whole Software Suite"). In other words, the questions posed by "Computer Associates Plan Lets VARs Sell Whole Software Suite" invoke very direct answers from members, thereby gleaning required data for the business process analysis more quickly and efficiently.

[Claim 62]   Neither Hurley nor "Computer Associates Plan Lets VARs Sell Whole Software Suite" discloses that at least some of the selectable characterizations of a job function include the importance of an input to or an output from the job function, and wherein the evaluation of the interaction between members includes evaluating member selections relating to the importance of an input to or an output from the job function. However, Official Notice is taken that it is old and well-known in the art of business process re-engineering to identify the importance of an input to or an output from a job function. Both Hurley and "Computer Associates Plan Lets VARs Sell Whole Software Suite" aim to reduce superfluous and inefficient parts of a business process (as discussed above), which means that duplicate or other unnecessary tasks must be eliminated or otherwise streamlined. Eliminated elements of the process are likely

deemed to be less important to the process than preserved elements of the process that are seen to add value to the overall process. Consequently, the business process analysis accomplished by the Hurley-"Computer Associates Plan Lets VARs Sell Whole Software Suite" combination requires at least a basic understanding of the respective importance of various inputs and outputs corresponding to job functions in the business process in order to effectively streamline the overall process. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the Hurley-"Computer Associates Plan Lets VARs Sell Whole Software Suite" combination such that at least some of the selectable characterizations of a job function include the importance of an input to or an output from the job function, and wherein the evaluation of the interaction between members includes evaluating member selections relating to the importance of an input to or an output from the job function in order to more effectively and quickly allow those in charge of re-engineering (e.g., streamlining) the overall business process by making it more readily apparent which inputs to and outputs from the job functions are more crucial to the process as a whole.

[Claim 67]   Neither Hurley nor "Computer Associates Plan Lets VARs Sell Whole Software Suite" expressly discloses that said at least one member station is further configured to determine whether any inconsistencies exist in the characterizations of the same process by members, and wherein the presentation generated by said at least one member station includes the result of such determination. However, it should also be noted that the combination of Hurley and "Computer Associates Plan Lets VARs Sell

Whole Software Suite" is effectively analyzing interactions between the members,

especially since the representatives from each part of the process (i.e., representatives

of those in charge of different subprocesses of the overall business process) are being

questioned regarding their respective contributions to the overall process. Also, Hurley

makes it clear that differing viewpoints of a business process (comprising various

subprocesses) must be reconciled as part of the overall process mapping (Hurley: ¶ 19)

and "Computer Associates Plan Lets VARs Sell Whole Software Suite" discloses that

the process maps may be used to indicate "hand-offs and controls" and help to

eliminate duplicate work ("Computer Associates Plan Lets VARs Sell Whole Software

Suite": ¶¶ 14-15). Assessing differing viewpoints and identifying "hand-offs and

controls" to eliminate duplicate work are indicative of the fact that member interactions

are evaluated as part of the overall business process mapping. Therefore, by

presenting the results of the business process mapping in which member interactions

are assessed and presented electronically (as taught by the Hurley-"Computer

Associates Plan Lets VARs Sell Whole Software Suite"-Brown combination), the

Examiner submits that the Hurley-"Computer Associates Plan Lets VARs Sell Whole

Software Suite"-Brown combination effectively includes at least one member station that

is further configured to determine whether any inconsistencies exist in the

characterizations of the same process by members, and wherein the presentation

generated by said at least one member station includes the result of such

determination. By presenting the results of the business process analysis at a member

station, the Hurley-"Computer Associates Plan Lets VARs Sell Whole Software Suite"-

Brown combination would yield the expected benefit of more efficiently facilitating

business process evaluations (which include requesting additional feedback from

members in response to intermediate business process results, as seen in ¶ 13 of

Hurley) in a less time consuming manner (as suggested by Brown: abstract; ¶ 48).

[Claims 68-79]   Claims 68-79 recite limitations already addressed by the rejection

of claims 56-67 above; therefore, the same rejection applies.
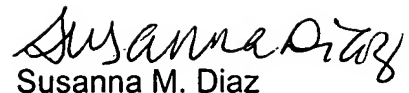

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-

6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Susanna M. Diaz
Primary Examiner
Art Unit 3623

March 17, 2006